



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|--|-----------|------------|
| Applicant: | Rosenstock et al. | Examiner: | TBA |
| Serial No.: | 10/676,484 | Group: | TBA |
| Filed: | 09/30/2003 | Case No: | IS01408MCG |
| Entitled: | INFINIBAND ARCHITECTURE SUBNET REPLICATED DATABASE ELEMENTS | | |

DECLARATION OF KEVIN D. WILLS UNDER 37 C.F.R. § 1.47

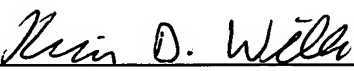
I, Kevin D. Wills, hereby state as follows:

1. I am a Patent Attorney in the Law Department at Motorola, Inc. ("Motorola"), in Phoenix, Arizona. My responsibilities include working with Motorola employees and non-Motorola employees to prepare and prosecute patent applications for Motorola.
2. On September 4, 2003, I contacted (by phone) Richard Dykiel, who currently works for Sun Microsystems, Inc. I informed him that he was an inventor on the above patent application. I inquired if he would review the claims, specification and drawings, and sign a Declaration and Assignment pertaining to the above patent application. Richard Dykiel clearly understood exactly what he was being asked to review and sign. Richard Dykiel said he would have to consult with his in-house counsel first.
3. On September 9, 2003, I was contacted by phone by Bernice Chen, Assistant General Counsel for Sun Microsystems, Inc. Bernice Chen indicated that Richard Dykiel would not be cooperating in pursuing the above patent application, Richard Dykiel would not be signing the Declaration and Assignment pertaining to the above patent application, and NOT to send copies of the claims, specification and drawings, or the Declaration and Assignment to Richard Dykiel, or herself. Bernice Chen also indicated I was to have no further contact with Richard Dykiel regarding this patent application.

4. On September 10, 2003, I received an express written refusal (by email) from Richard Dykiel to cooperate in pursuing the above patent application, which includes a refusal to receive copies of the claims, specification and drawings, and a refusal to sign the Declaration and Assignment. The email is attached.
5. On September 17, 2003, I received an email from Bernice Chen giving me the current addresses of Richard Dykiel, and implicitly confirming my acknowledgment of her request to have no further contact with Richard Dykiel. The email is attached.
6. Enclosed please find copies of the emails indicating my attempts to gain the cooperation of Richard Dykiel in the pursuit of the above patent application.

I declare under penalty of perjury that the statements made by me in this Declaration are true and correct.

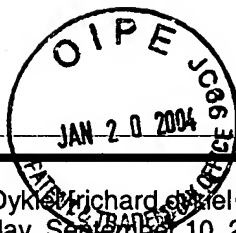
Respectfully submitted,



KEVIN D. WILLS
MOTOROLA, INC.
Patent Attorney
Law Department

DATE: 1-14-04

Wills-Kevin-g14781



Fr m: Richard Dykiel [richard.dykiel@sun.com]
S nt: Wednesday, September 10, 2003 6:22 AM
To: Kevin.Wills
Cc: Bernice Chen; Diana Klashman; Richard Lagueux; Richard Dykiel
Subj ct: Motorola patent application

Kevin,

In compliance with my company's decision, I must inform you that I will not be cooperating to complete the patent application you contacted me for.

Please contact Bernice Chen, the Sun patent attorney following this case, for any additional question.

Best regards,
Richard Dykiel.



Wills K vin-g14781

From: Bernice Chen [Bernice.Chen@Sun.COM]
Sent: Wednesday, September 17, 2003 4:11 PM
To: Wills Kevin-g14781
Subject: Re: Motorola patent application

Kevin,

Below are the inventor information you have requested.

Richard A. Lagueux
11 Pinewood Rd.
Hudson, NH 03051
Citizenship: United States of America

Richard Dykiel
29, Ethan Allen dr.
Acton, MA 01720
Citizenship: French

Regards,

Bernice

Wills Kevin-g14781 wrote:

Bernice:

It was nice chatting with you yesterday. The only thing I will need to follow through with what we discussed are the full names, home addresses and citizenship of both Richard Dykiel and Richard Lagueux. I wanted to get this information through you and respect your wishes that I have no further contact with these two individuals. Thanks for your help.

Regards,

Kevin Wills
Patent Attorney
Motorola

9/22/2003

-----Original Message-----

From: Richard Dykiel [<mailto:richard.dykiel@sun.com>]
Sent: Wednesday, September 10, 2003 6:22 AM
To: Kevin.Wills
Cc: Bernice Chen; Diana Klashman; Richard Lagueux; Richard Dykiel
Subject: Motorola patent application

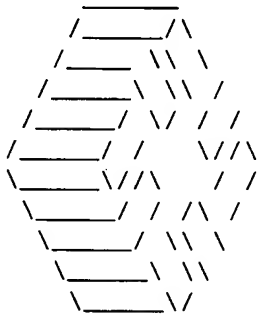
Kevin,

In compliance with my company's decision, I must inform you that I will not be cooperating to complete the patent application you contacted me for.

Please contact Bernice Chen, the Sun patent attorney following this case, for any additional question.

Best regards,
Richard Dykiel.

--



Bernice B. Chen
Assistant General Counsel
Sun Microsystems, Inc.
Mail Stop USUN05-204
910 Hermosa Court
Sunnyvale, CA 94085-4199
(408) 720-4842 (x6-4842)
(408) 720-2006 (x6-2006)
bernice.chen@sun.com

This e-mail may contain privileged and/or confidential information intended for the exclusive use of the addressee(s). Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender and destroy all copies.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|--|-----------|------------|
| Applicant: | Rosenstock et al. | Examiner: | TBA |
| Serial No.: | 10/676,484 | Group: | TBA |
| Filed: | 09/30/2003 | Case No: | IS01408MCG |
| Entitled: | INFINIBAND ARCHITECTURE SUBNET REPLICATED DATABASE ELEMENTS | | |

DECLARATION OF KEVIN D. WILLS UNDER 37 C.F.R. § 1.47

I, Kevin D. Wills, hereby state as follows:

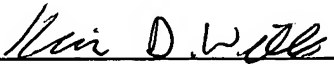
1. I am a Patent Attorney in the Law Department at Motorola, Inc. ("Motorola"), in Phoenix, Arizona. My responsibilities include working with Motorola employees and non-Motorola employees to prepare and prosecute patent applications for Motorola.
2. On September 6, 2003, I contacted Michael Leibensperger via email to inquire if he would cooperate in the filing of the above patent application. I received no reply to the email. The email is attached.
3. On or about September 20, 2003, I received a phone call from Michael Leibensperger indicating that he would not cooperate in reviewing the application papers and he would not sign the Declaration. I believe that Michael Leibensperger clearly understood exactly what he was being asked to review and sign.
4. After Michael Leibensperger received a copy of the application papers, which included specification, claims, drawings, Declaration and Assignment, I received a letter from Michael Leibensperger on October 17, 2003, indicating that he had received the application papers and that he would not cooperate. A redacted copy of the letter is attached.

IS01408MCG

5. On October 21, 2003, I received an email from Michael Leibensperger indicating that he shredded the application papers. The email is attached.

I declare under penalty of perjury that the statements made by me in this Declaration are true and correct.

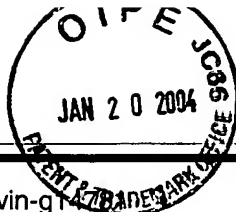
Respectfully submitted,



KEVIN D. WILLS
MOTOROLA, INC.
Patent Attorney
Law Department

DATE: 1-14-04

Wills.K vin-g14781



From: Wills Kevin-g
Sent: Saturday, September 06, 2003 12:11 PM
T : 'mjl@alumni.cmu.edu'
Subject: Paceline patents

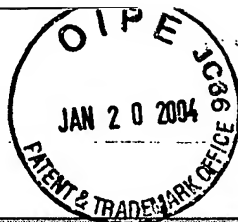
Michael:

My name is Kevin Wills and I am a patent attorney with Motorola. I am working on some patent applications that might pertain to your work at Paceline. You may be an inventor on one more of these patent applications. I was hoping to set up a time where I could give you a call and discuss this with you. Time is of the essence in this matter.

Please let me know if a time that would be good to contact you and a phone number where I might call. I appreciate your cooperation on this.

Regards,

Kevin Wills
Patent Attorney, Motorola, Inc.
(602) 952-4364



Wills Kevin-g14781

Fr m: Bernice Chen [Bernice.Chen@Sun.COM]
Sent: Wednesday, September 17, 2003 4:11 PM
To: Wills Kevin-g14781
Subject: Re: Motorola patent application

Kevin,

Below are the inventor information you have requested.

Richard A. Lagueux
11 Pinewood Rd.
Hudson, NH 03051
Citizenship: United States of America

Richard Dykiel
29, Ethan Allen dr.
Acton, MA 01720
Citizenship: French

Regards,

Bernice

Wills Kevin-g14781 wrote:

Bernice:

It was nice chatting with you yesterday. The only thing I will need to follow through with what we discussed are the full names, home addresses and citizenship of both Richard Dykiel and Richard Lagueux. I wanted to get this information through you and respect your wishes that I have no further contact with these two individuals. Thanks for your help.

Regards,

Kevin Wills
Patent Attorney
Motorola

9/22/2003

-----Original Message-----

From: Richard Dykiel [<mailto:richard.dykiel@sun.com>]

Sent: Wednesday, September 10, 2003 6:22 AM

To: Kevin.Wills

Cc: Bernice Chen; Diana Klashman; Richard Lagueux; Richard Dykiel

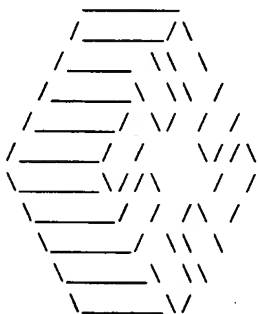
Subject: Motorola patent application

Kevin,

In compliance with my company's decision, I must inform you that I will not be cooperating to complete the patent application you contacted me for.

Please contact Bernice Chen, the Sun patent attorney following this case, for any additional question.

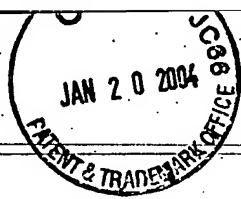
Best regards,
Richard Dykiel.



Bernice B. Chen
Assistant General Counsel
Sun Microsystems, Inc.
Mail Stop USUN05-204
910 Hermosa Court
Sunnyvale, CA 94085-4199
(408)720-4842 (x6-4842)
(408)720-2006 (x6-2006)

bernice.chen@sun.com

This e-mail may contain privileged and/or confidential information intended for the exclusive use of the addressee(s). Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender and destroy all copies.



26 Claremon St., Apt. 2
Somerville MA 02144
17 October 2003

Mr. Kevin D. Wills
c/o V. Lynn Webb
Motorola, Inc. Law Department
3102 North 56th St.
Maildrop 56-238
Phoenix AZ 85018

Re: Patent applications IS01408MCG, "InfiniBand Architecture Subnet Replicated Database Elements" and IS01407MCG, "Method of Replicating Database Elements in an InfiniBand Architecture Subnet."

Dear Mr. Wills,

I have received the paperwork for the above mentioned patent applications. I regret to inform you [REDACTED] I will not be cooperating with Motorola in pursuing these patents.

[REDACTED]

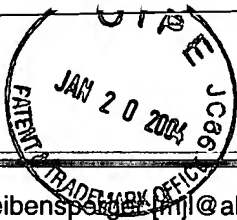
Since the documents you sent me are marked "Motorola Confidential," I will gladly either shred them or (upon receipt of postage costs) mail them back to you at your discretion. Let me know which you prefer.

Sincerely,

Michael J. Leibensperger

Michael J. Leibensperger

Wills Kevin-g14781



From: Mike Leibensperger [mailto:mjl@alumni.cmu.edu]
Sent: Tuesday, October 21, 2003 6:34 PM
T : Wills Kevin-g14781
Subject: Re: Patent Applications

No prob. I have just now finished shredding them.

mjl

> Mike:
>
> In that case, go ahead and shred them. Sorry if there was any
> misunderstanding.
>
> Kevin
>
> -----Original Message-----
> From: Mike Leibensperger [mailto:mjl@alumni.cmu.edu]
> Sent: Monday, October 20, 2003 6:57 PM
> To: Wills Kevin-g14781
> Subject: Re: Patent Applications
>
> Hi Kevin,
>
> Sorry, but there was no prepaid Fedex envelope; if there had been, I
> wouldn't have needed to ask what you wanted me to do with the
> documents. It cost Motorola roughly \$11.00 for each of the two pieces
> to send them to me, and I expect that's what it'll cost to send them
> back by FedEx. You can send a check for \$22.00 to me at:
>
> 26 Claremon St., Apt. 2
> Somerville MA 02144
>
> Or I can shred them for free. Let me know.
>
> Cheers,
> mjl
>
> > Mike:
> >
> > Thanks for the note. I was looking for a simple statement of
> > non-cooperation, but I guess this will suffice. There was a prepaid
> > Fedex envelope included if you could please use it to send back the
> > materials.
> >
> > Regards,
> >
> > Kevin Wills
> >
> > -----
> > Mike Leibensperger --+-- ...mjl at alumni dot cmu dot edu...
> > "Men never do evil so completely or cheerfully as when they do it from
> > religious conviction." -- Blaise Pascal, 17th century Jesuit